

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JEFFERSON-PILOT LIFE INS. CO.,)	:	CASE NO. C-1-02-479
)	
Plaintiff,)	JUDGE BARRETT
	:	Magistrate Judge Hogan
vs.)	
	:	
CHRISTOPHER L. KEARNEY,)	
	:	
Defendant,)	
	:	NOTICE OF DEPOSITION
vs.)	OF JEFFERSON PILOT
	:	<u>LIFE INSURANCE CO.</u>
DISABILITY MANAGEMENT)	
SERVICES, INC.,	:	
)	
Third-Party Defendant.	:	

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 30(b)(6), counsel for Christopher Kearney Jefferson Pilot Life insurance Co at the offices of Jefferson Pilot at 8:30 a.m. on Friday, February 9, 2007. Such deposition will be conducted before a notary public or other officer duly authorized to administer oaths. The Deponent is further notified that the deposition shall continue from day to day until completed, and you may appear and take such part in the examination as you be advised and shall be fit and proper.

With reasonable particularity, the deponent(s) is required to provide testimony on the following subject matters:

1. The relationship between Jefferson-Pilot and DMS, including but not limited to the precise scope/limit of the DMS' duties;
2. The information, communications, and documentation (including electronic communications) shared between JP and DMS regarding claim administration generally and Chris Kearney specifically;
3. Training provided to claims administration representatives of DMS and JP;
4. Documents and materials of DMS and JP which relate to or refer to claim administration of psychiatric disability claims and/or residual disability claims;
5. JP's privacy protection policies and practices since 1994;
6. JP's claim settlement practices;

7. JP's affirmative claims, defenses, answers to interrogatories, and production of documents in this action;
8. JP's quality assurance programs if any;
9. Documents exchanged between the JP and DMS prior to the execution of any claim administration agreement;
10. Documents exchanged between JP and DMS subsequent to the execution of any agreement, including all reports referenced in the Agreement between JP and DMS;
11. JP's business reasons for ceasing, limiting, or modifying the sale of own-occupation disability insurance policies of the type issued to Kearney;
12. JP's business reasons and decision to retain DMS to manage and/or administer own-occupation disability insurance claims;
13. Agreements between JP and DMS regarding claim management;
14. Documents for the period 1994 to the present which report, comment on, or relate to the profitability of own-occupation disability insurance policies sold by JP, including all profitability analyses with respect to the type of policy that Kearney owned as well as other information regarding "cash flow underwriting," interest rate projections, or the relationship between investment income and premiums charged for individual policies;
15. Documents for the period 1994 to the present which comment on modifying the benefits available under own-occupation disability policies (e.g., increasing premiums, shortening benefit periods, etc.) and/or changing in any manner the method, mechanics, or policies impacting claim management;
16. Agreements regarding claim management including addenda which exist or which have ever existed between JP and Employers Reinsurance;
17. Annual Reports and/or form 10-k's of JP for the period 1993 to the present;
18. Marketing material of JP shared with policyholders and prospective policyholders from 1992 to the present; and
19. Own-occupation disability insurance policies and practices

Dated: January 17, 2007

Respectfully submitted,

OF COUNSEL:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above was filed electronically with the ECF system and was thereby electronically served this 17th day of January 2007, on William R. Ellis, Wood & Lamping, 600 Vine Street, Suite 2500, Cincinnati, Ohio 45202 and John Meagher, Shutts & Bowen LLP, 1500 Miami Center, 201 South Biscayne Blvd., Miami, Fl. 33131.

/s Michael A. Roberts